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September 9, 2020

**VIA ECF**

Honorable Paul A. Engelmayer  
United States District Judge  
United States District Court, SDNY  
40p Foley Square, Room 2201  
New York, New York 10007

Re: Hugo Kayo v. Police Officer Peter Mertz, et al., 19 Civ. 00365 (PAE)

Your Honor:

I am an attorney that represents plaintiff in the above-referenced matter. I write to respectfully request that the Court extend the due dates for plaintiff's Opposition to Defendants' Motion for Summary Judgment and Plaintiff's Cross Motion for Partial Summary Judgment motion and responsive motion papers for three additional weeks. As the Court may recall, by letters dated July 29, 2020, August 12, 2020, and August 24, 2020 I requested an extension because I had fallen ill and was unable to competently work on the motion. I can now report that I am feeling better and can begin working on the motion again. I am requesting a three-week extension of time to file the motion papers so that I do not have to ask for any further extensions. Since I was sick for such a lengthy period of time I have had a tremendous amount of work build up in my cases and I believe the three week enlargement will allow me to both meet my obligations in other cases and also file the motion papers in this case in a competent manner. Defendants consent to plaintiff's request. The following proposed motion schedule is a revised schedule adding two weeks to each of the remaining deadlines:

Plaintiff's brief in support of his motion for partial summary judgment and in opposition to plaintiff's motion: **September 30, 2020**

Defendants' brief containing their reply an opposition to plaintiff's motion: **October 14, 2020**

Plaintiff's Reply: **October 23, 2020**

Finally, I want to thank the Court for being so understanding during the time I have been sick. I truly appreciate the fact that the Court seemingly has understood that I was physically unable to work on the motion while I was sick and granted my previous motions requesting an extension of time to file the motion papers. Once again I apologize if this application causes any inconvenience to the Court, but I truly believe that this will be my last request for an extension of time to file the motion papers.

We thank the Court for its consideration herein.

Respectfully submitted,

9/10/20  
Granted. The Court is happy to hear that  
counsel is feeling better, and wishes counsel a  
speedy recovery.

/s/

David M. Hazan, Esq.  
*Attorney for Plaintiff*

SO ORDERED.

*Paul A. Engelmayer*

PAUL A. ENGELMAYER  
United States District Judge

September 10, 2020